IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10180 of 2004

Between:
M/s. Peacock Granites Pvt., Ltd., Phase-II, IDA Charlapalli
Ranga Reddy District rep., by Managing Director,
V. Mohan Reddy

..... PETITIONER

AND

1 Transmission Corporation of A.P., Ltd., (A.P. Transco) rep by Chief Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad
2 The Superintending Engineer, Assessment, the Central Power Distribution Company of A.P., Ltd., (AP Transco) 3-6-184,
4th Floor Urdu Galli, Himayatnagar Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 2nd respondent in not transferring the proceedings pending before him pursuant to his Lr. No. SEA/HYD/F.SBD-373/SC.No.874/D.No. 432/96 dt 16-06-1996 as highly illegal arbitrary unjust and contrary to Section 49-C of the Indian Electricity (AP Amendment) Act, 2000 and Consequently direct the 2nd respondent to transfer the matter to the jurisdictional Tribunal constituted under the provisions of the Indian Electricity (AP Amendment) Act, 2000/Indian Electricity Act, 2003 and set a side the same.

Counsel for the Petitioner: Mr.D.V.NAGARJUNA BABU

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in not transferring the proceedings pending before him to the competent Tribunal having jurisdiction in terms of Section 49-C of the Indian Electricity (A.P. Amendment) Act, 2000 (for short 'the Act). Therefore, the petitioner has come up with the present writ petition.

2. At the time of hearing it is represented by the learned counsel for the petitioner that similar issue was considered by this Court in CHEEDI RAMA RAO Vs. A.P. TRANSO[1] and this Court held that the second respondent has no jurisdiction to adjudicate upon the issue as to the pilferage of power and it is only the Tribunal constituted under the provisions of the Act which is entitled to adjudicate upon the said issue.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

4. As similar matters have already been ordered to be transferred by second respondent, the writ petition is disposed of, at the admission stage, directing the second respondent to transfer the proceedings pending before him to the Tribunal having jurisdiction, to adjudicate upon the issue as to the pilferage of power by the petitioner.

22.06.2004

va

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[1] 2003(4) ALT 267